

Amendment

Applicant: Victor L. Gonzalez

Serial No.: 10/633,123

Filed: August 1, 2003

Docket No.: 10017098-3

Title: FLUID EJECTION

REMARKS

Claims 36-39, 41-51, 53 and 55-58 are pending. By this Amendment, the specification is amended, claims 31, 41-42, 50, 53, and 55 are amended, claims 40, 52, and 54 are cancelled without prejudice or disclaimer, and new claims 57-58 are added.

Specification and Oath/Declaration

The October 7, 2004 Office Action objected to the specification, stating that the specification did not disclose the continuing information after the title. The continuation application papers filed on August 1, 2003 directed that the continuing information be added to the specification. Additionally, by this Amendment, the specification is amended to include the continuing information.

The Office Action also indicated that the specification to which the oath/declaration is directed was not adequately identified. But Applicant notes that the continuation application papers filed on August 1, 2003 included a copy of the Declaration and Power of Attorney as filed with parent Application No. 10/218,925, as is proper under MPEP § 602.05(a). Accordingly, the indication in the Office Action regarding the oath/declaration is not understood.

Double Patenting Rejection

The Office Action rejected claim 49 under obviousness-type double patenting over claim 33 of U.S. Patent No. 6,729,715. Attention is directed to the concurrently filed Terminal Disclaimer, which should overcome this rejection. Applicant submits that claim 49 defines patentable subject matter.

Allowable Subject Matter

Applicant acknowledges, with appreciation, the indication in the Office Action that claim 56 is allowed and that claims 40-41, 44-45, 48, 52, and 54 would be allowable if rewritten in independent form. By this Amendment, the features of dependent claim 40 are incorporated into independent claim 36, the features of dependent claim 52 are incorporated into independent claim 50, with a corresponding change made to independent claim 55, and the features of dependent claim 54 are incorporated into independent claim 53. Accordingly,

Amendment

Applicant: Victor L. Gonzalez
Serial No.: 10/633,123
Filed: August 1, 2003
Docket No.: 10017098-3
Title: FLUID EJECTION

Applicant submits that independent claims 36, 50, 53, and 55, and the corresponding dependent claims, define patentable subject matter.

Applicant agrees with the Office Action's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the reasoning set forth in the Office Action. In particular, Applicant submits that the indicated claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independently of how the invention is paraphrased in the Office Action.

Claim Rejections – 35 U.S.C. §§ 102 and 103

The October 7, 2004 Office Action rejected claims 36-38, 42, 46-47, 50-51, 53 and 55 under 35 U.S.C. § 102(b) over Komuro (U.S. Patent No. 4,965,594) and claims 39 and 43 under 35 U.S.C. § 103(a) over Komuro in view of Tachihara (U.S. Patent No. 5,481,287). Applicant respectfully traverses these rejections.

Independent claim 42 recites that the outer resistor comprises at least two discontinuous segments. In Komuro, on the other hand, heater 31A (identified in the Office Action as the outer resistor) does not include at least two discontinuous segments. Komuro fails to teach or suggest this feature. Accordingly, Applicant submits that independent claim 42, and its dependent claims, define patentable subject matter.

Attention also is specifically directed to new dependent claims 57-58, which recite, respectively, that the outer resistor comprises at least four discontinuous segments, and that the inner resistor and the outer resistor define a common plane and are disposed within the common plane. Komuro fails to teach or suggest these features.

As referenced above, Applicant also submits that the remaining independent claims, 36, 49, 50, 53, 55 and 56, also define patentable subject matter. Komuro, Tachihara and the other prior art do not teach or suggest the claimed features.

Conclusion

In view of the foregoing, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are requested. Applicant hereby authorizes the Commissioner for Patents to charge Deposit Account No. 08-2025 any fees due under 37 C.F.R. § 1.16(b) and (c).

Amendment

Applicant: Victor L. Gonzalez
Serial No.: 10/633,123
Filed: August 1, 2003
Docket No.: 10017098-3
Title: FLUID EJECTION

Any inquiry regarding this Amendment should be directed to either James McDaniel at Telephone No. (208) 396-4095, Facsimile No. (858) 655-5859 or William M. Hienz III at Telephone No. (612) 573-2010, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

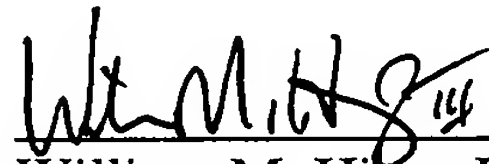
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Victor L. Gonzalez

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2010
Facsimile: (612) 573-2005



William M. Hienz III
Reg. No. 37,069

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of December, 2004.

By 
Name: William M. Hienz